



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/587,609

07/28/2006

Satoshi Kondo

128875

9512

25944 7590 02/03/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

RAHIM, MONJUR

ART UNIT

PAPER NUMBER

2434

MAIL DATE

DELIVERY MODE

02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,609	Applicant(s) KONDO ET AL.	
	Examiner MONJOUR RAHIM	Art Unit 2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/28/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 2004-029928 (Japan).
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/28/2006, 02/06/2007, 02/07/2008, 6/24/2008, 6/24/2008, 9/4/2008</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2434

DETAILED ACTION

1. This action is responsive to: an original application filed on ***28 July 2006***.
2. ***Claims 1-18*** are currently pending and ***claims 1, 2, 3, 7, 8, 10, 13, 14, 15, 16*** and ***17*** are independent claims.
3. ***Pre-amendment*** has been conceder by the Examiner.

Information Disclosure Statement

4. The Information Disclosure Statement (IDS) submitted on ***9/4/2008, 6/24/2008, 2/7/2008, and 7/28/2006*** are in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS statement is being considered by the examiner.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2004-029928 (Japan) filed on ***5 February 2004***.

Specification

6. This application does not contain an ***abstract*** of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grecsek Mathew (US Patent No. 6088801), hereinafter Grecsek and in view of Matsubara et al. (US Patent No. 7123914), hereinafter Matsubara.

In regard to *claim 1*, Grecsek discloses:

- ***registering means for registering information on whether a function of a received program is permitted to be used*** (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- ***receiving means for receiving a program and function information indicating a function used in the program*** (Grecsek, col 3, lines 59-62, “A file type can be specified using a file extension, which is the alphanumeric characters following the period in the file name. A file type can be associated with a process that automatically services it”);

- ***determining means for determining, by comparing function information received by the receiving means and information registered by the registering means, whether a program received by the receiving means includes a function not permitted to be used*** (Grecsek, Abstract, “The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy”).

- ***outputting means for outputting a result determined by the determining means*** (Grecsek, col 3, lines 31-34, “The results of the evaluation may be passed to a policy enforcer 117, which grants or denies process 110 access to virtual machine 120 and resources 130 based on a policy”), where result is the output.

Grecsek does not explicitly teach ***networking with relay device***, however in a relevant art Matsubara discloses use of relay device (see Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 2*, Grecsek discloses:

- *registering means for registering information on whether a function of a received program is permitted to be used* (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- *receiving means for receiving a program and function information indicating a function used in the program* (Grecsek, col 3, lines 59-62, "A file type can be specified using a file extension, which is the alphanumeric characters following the period in the file name. A file type can be associated with a process that automatically services it");

- *determining means for determining, by comparing function information received by the receiving means and information registered by the registering means, whether to execute a program received by the receiving means* (Grecsek, Abstract, "The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy");

- *executing means for executing a program if the determining means determines to execute the program* (Grecsek, Abstract, "A method and apparatus for managing the risk of executing a software process on a computer by programmatically determining the capabilities of the software process before it executes and determining whether these capabilities are authorized within an access control policy").

Grecsek does not explicitly teach *networking relay device*, however in a relevant art Matsubara discloses use of relay device (see Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 3*, Grecsek discloses:

- *registering means for registering information on whether a function of a received program is permitted to be used* (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- *receiving means for receiving a program and function information indicating a function used in the program* (Grecsek, col 3, lines 59-62, “A file type can be specified using a file extension, which is the alphanumeric characters following the period in the file name. A file type can be associated with a process that automatically services it”);

- *determining means for determining, by comparing function information received by the receiving means and information registered by the registering means, whether to execute a program received by the receiving means* (Grecsek, Abstract, “The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy”);

- *outputting means for outputting a message asking whether to execute a program while limiting available functions, if the determining means determines not to execute the program operating means* (Grecsek, col 3, lines 24-29, “An object of the invention is to provide a means for determining the capabilities of process 110 before it executes. It is also an object of the invention to provide a means for enforcing a policy based on these capabilities. FIG. 2, illustrates how the invention accomplishes these objects”);

- *executing means for executing a program if execution of the program is instructed via the operating means in response to a message outputted by the outputting means* (Grecsek, col 4, lines 28-37, “ In this description, capabilities

Art Unit: 2434

assessment 20 is performed immediately prior to execution of process 110. However, the capabilities assessment may be generated at any time prior to execution resulting in a list of capabilities which can be included with the process itself or possibly maintained by a third party. This list can then be evaluated by policy enforcer 117 prior to execution of process 110. Capabilities assessor 115 and policy enforcer 117 can also be part of virtual machine 120");

- limiting means for limiting functions available in a program executed by the executing means, in accordance with information registered by the registering means (Grecsek, Abstract, "The capabilities define what functions a software process can perform in the context of a virtual machine").

Grecsek does not explicitly teach **networking with relay device**, however in a relevant art Matsubara discloses use of relay device (see Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to **claim 4**, claim 2 is incorporated and Grecsek disclose:

- wherein the determining means compares the function information received by the receiving means and the information registered by the registering means, and if a function not permitted to be used is not used by the program received by the receiving means, permits execution of the program (Grecsek, Abstract, "The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy").

In regard to **claim 5**, claim 1 is incorporated and Grecsek disclose:

- registering means for registering information on whether a function of a received program is permitted to be used (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a

Art Unit: 2434

process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- *the function information is information on a function contained in the program received by the receiving means* (Grecsek, Abstract, "The capabilities define what functions a software process can perform in the context of a virtual machine").

In regard to *claim 6*, claim 1 is incorporated and Grecsek disclose:

- *wherein the registering means registers information on whether a resource of a received program is permitted to be accessed* (Grecsek, col 4, lines 41-46, "For example, a policy may authorize access to a process with more capabilities created from a trusted originator than an untrusted originator. Policy enforcer 117 may use authentication and code signing techniques, or other integrity strategies to establish its trustworthiness, to ensure that process 110 is in fact from the expected source");

- *the function information is information on a resource accessed in accordance with the program received by the receiving means* (Grecsek, col 3, lines 3-5, "A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script").

In regard to *claim 7*, Grecsek discloses:

- *registering means for registering information on-on whether a function of a program provided via a network is permitted to be used* (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- *first receiving means for receiving, before receiving a program, function information indicating a function used in the program* (Grecsek, col 3, lines 35-38, "A policy contains a list of potential capabilities that process 110 may possess and authorizations indicating which capabilities are acceptable. FIG. 4 illustrates a possible

Art Unit: 2434

data structure for a policy 200 to store a capabilities list 210 and a corresponding authorizations list 220”);

- *determining means for determining whether to receive a program, by comparing function information received by the first receiving means and information registered by the registering means* (Grecsek, Abstract, “A method and apparatus for managing the risk of executing a software process on a computer by programmatically determining the capabilities of the software process before it executes and determining whether these capabilities are authorized within an access control policy”);

- *second receiving means for receiving a program if the determining means determines to receive the program* (Grecsek, col 2, lines 40-47, “This invention is directed to managing the risk of executing software processes. It is an object of the invention to provide a method for determining the capabilities of a software process before it executes. It is another object of the invention to provide a method for managing access to the resources of a computer using a capabilities-based policy. Further objects and advantages will become apparent from consideration of the ensuing description”);

- *executing means for executing a program received by the second receiving means* (Grecsek, col 3, lines 2-16, “A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script. ... machine 120 is an interface to computer 100 and resources 130 and may itself be a process. Computer 100 may be any programmable device”);

Grecsek does not explicitly teach *networking with relay device*, however in a relevant art Matsubara discloses use of relay device (see Abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 8*, Grecsek discloses:

- *registering means for registering information on whether a function of a received program is permitted to be used* (Grecsek, col 4, lines 14-19, “The results from

Art Unit: 2434

decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- *receiving means for receiving a program, function information indicating a function used in the program, and destination information indicating a destination of the program* (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

Grecsek does not explicitly teach *sending/receiving relay information, networking with relay device*; however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 9*, claim 8 is incorporated and Grecsek disclose:

- *wherein the determining means compares the function information received by the receiving means and the information registered by the registering means, and if a function not permitted to be used is not used in the program received by the receiving means, permits relay of the program* (Grecsek, Abstract, "The capabilities define what functions a software process can perform in the context of a virtual machine. The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy").

In regard to *claim 10*, Grecsek discloses:

Art Unit: 2434

- *registering means for registering information on whether a function of a program provided via a network is permitted to be used* (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- *determining means for determining, by comparing function information received by the receiving means and information registered by the registering means, whether a function not permitted to be used is used in a program received by the receiving means* (Grecsek, Abstract, “The method comprises the steps of assessing the software process to determine what capabilities it possesses, maintaining one or more policies which list potential capabilities and corresponding authorizations for one or more contexts, and a unit for comparing the software process capabilities with a policy”).

Grecsek does not explicitly teach *sending/receiving relay information, networking with relay device*; however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 11*, claim 8 is incorporated and Grecsek discloses:

- *registering means for registering information on whether a function of a received program is permitted to be used* (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- *receiving means for receiving a program and function information indicating a function used in the program* (Grecsek, col 3, lines 59-62, “A file type can be specified using a file extension, which is the alphanumeric characters following the

Art Unit: 2434

period in the file name. A file type can be associated with a process that automatically services it”);

- *wherein the registering means registers information on whether a function of the program provided via a network is permitted to be used* (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- *the function information is information on a function contained in the program received by the receiving means* (Grecsek, Abstract, “The capabilities define what functions a software process can perform in the context of a virtual machine”).

In regard to *claim 12*, claim 8 is incorporated and Grecsek discloses:

- *wherein the registering means registers information on whether a resource in the program provided via a network is permitted to be accessed* (Grecsek, col 2, lines 43-45, “It is another object of the invention to provide a method for managing access to the resources of a computer using a capabilities-based policy”);

- *the function information is information on a resource accessed in accordance with the program received by the receiving means* (Grecsek, col 3, lines 3-5, “A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script”).

In regard to *claim 13*, Grecsek discloses:

- *A program for causing a computer to execute: a first step of receiving a program and function information indicating a function used in the program* (Grecsek, col 3, lines 59-62, “A file type can be specified using a file extension, which is the alphanumeric characters following the period in the file name. A file type can be associated with a process that automatically services it”);

- *a second step of determining, by comparing function information received in the first step and information on whether a function of a received is permitted to be*

Art Unit: 2434

used, which is pre-registered in memory, whether a function not permitted to be used is used in a program received in the first step (Grecsek, col 4, lines 14-19, “The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute”);

- *a third step of outputting a determination result in the second step* (Grecsek, col 3, lines 31-34, “The results of the evaluation may be passed to a policy enforcer 117, which grants or denies process 110 access to virtual machine 120 and resources 130 based on a policy”), where result is the output.

Grecsek does not explicitly teach *receiving relay information*, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 14*, Grecsek discloses:

- *A program for causing a computer to execute: a first step of receiving a program and function information indicating a function used in the program* (Grecsek, col 3, lines 59-62, “A file type can be specified using a file extension, which is the alphanumeric characters following the period in the file name. A file type can be associated with a process that automatically services it”);

- *a second step of determining, by comparing function information received in the first step and information on whether a function of a received program is permitted to be used, which is pre-registered in memory, whether to execute a program received in the first step* (Grecsek, col 2, lines 42-44, “. It is an object of the invention to provide a method for determining the capabilities of a software process before it executes”);

Art Unit: 2434

- *a third step of executing a program if it is determined in the second step to execute the program* (Grecsek, col 3, lines 24-27, “An object of the invention is to provide a means for determining the capabilities of process 110 before it executes”).

Grecsek does not explicitly teach *receiving relay information*, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 15*, Grecsek discloses:

- *A program for causing a computer to execute: a first step of receiving, before receiving a program, function information indicating a function used in the program* (Grecsek, col 3, lines 2-10, “A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script. If a certain function requires a particular sequence of instructions and process 110 does not contain these instructions then process 110 cannot perform the function. Process 110 is defined by one or more capabilities, each capability being defined by one or more instructions”), where “sequence is the steps if execution.

- *a second step of determining, by comparing function information received in the first step and information on whether a function of a received program is permitted to be used, which is pre-registered in memory, whether to receive a program associated with the function information* (Grecsek, col 3, lines 10-13, “Prior to execution, process 110 is simply data and cannot perform any function until executed. Process 110 may be executed directly by the user or indirectly by some other process already executing on computer 100”);

- *a third step of receiving a program if it is determined in the second step to receive the program* (Grecsek, col 3, lines 24-27, “An object of the invention is to provide a means for determining the capabilities of process 110 before it executes”).

Art Unit: 2434

- *a fourth step of executing a program received in the third step* (Grecsek, col 3, lines 2-10, “A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script. If a certain function requires a particular sequence of instructions and process 110 does not contain these instructions then process 110 cannot perform the function. Process 110 is defined by one or more capabilities, each capability being defined by one or more instructions”);

Grecsek does not explicitly teach *receiving relay information*, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 16*, Grecsek discloses:

- *A program for causing a computer to execute: a first step of receiving a program, function information indicating a function used in the program, and destination information indicating a destination of the program* (Grecsek, col 3, lines 43-50, “An authorization 220 can be as simple as a one bit flag indicating that the corresponding capability 210 is either acceptable or not, or it can specify additional criteria for more comprehensive rules as described below. Usually a policy is decided by the person or organization who has authority over computer 100. The concerns in deciding a policy depend on the operational requirements”);

- *a second step of determining, by comparing function information received in the first step and information on whether a function of a program provided via a network is permitted to be used, which is pre-registered in memory, whether to relay a program received in the first step* (Grecsek, col 3, lines 34-39, “A policy contains a list of potential capabilities that process 110 may possess and authorizations indicating which capabilities are acceptable. FIG. 4 illustrates a possible data structure for a policy 200 to store a capabilities list 210 and a corresponding authorizations list 220”);

Art Unit: 2434

- *a third step of sending a program to a destination designated by destination information received in the first step, if it is determined in the second step to relay of program* (Grecsek, col 3, lines 64-67 and col 4, lines 1-6, "Capabilities assessor 115 evaluates the functional potentiality of process 10 by scanning it for certain tokens, such as keywords or byte codes, that represent particular capabilities as shown in box 20. For example, in a script where source code is executed, capabilities assessor 115 might search for capability keywords such as FILE or PRINT and create a list of capabilities found using various parsing and compiler techniques known in the art. Some embodiments might end here, simply displaying or communicating the results of the capabilities assessment");

Grecsek does not explicitly teach *networking with relay device*; however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, mainly for auto reboot capability.

In regard to *claim 17*, Grecsek discloses:

- *A program for causing a computer to execute: a first step of receiving a program, function information indicating a function used in the program, and destination information indicating a destination of the program* (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- *a second step of determining, by comparing function information received in the first step and information on whether a function of a program provided via a network is permitted to be used, which is pre-registered in memory, whether a function not permitted to be used is used in a program received in the first step* (Grecsek, col 4, lines 14-19, "The results from decision box 40 can then be used to automatically grant

Art Unit: 2434

access, shown in box 50, to a process that does not violate policy 200 or to deny access, shown in box 60, to a process that violates policy 200. The results can also be presented to the user. If access is granted, process 10 may be permitted to execute");

- a third step of sending a determination result in the second step and a program to a destination designated by destination information received in the first step, if it is determined in the second step to relay the program (Grecsek, col 3, lines 31-34, "The results of the evaluation may be passed to a policy enforcer 117, which grants or denies process 110 access to virtual machine 120 and resources 130 based on a policy"), where result is the output.

Grecsek does not explicitly teach USING RELAY, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 18*, claim 13 is incorporated and Grecsek discloses:

- A computer-readable storage medium recording a program according Claim 13 (Grecsek, col 3, lines 37-39, "FIG. 4 illustrates a possible data structure for a policy 200 to store a capabilities list 210 and a corresponding authorizations list 220").

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form "PTO-892 Notice of Reference Cited").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monjour Rahim whose telephone number is (571)270-3890. The examiner can normally be reached on 5:30 AM -3:30 PM (Mo-Th).

Art Unit: 2434

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/Monjour Rahim/
Patent Examiner
Art Unit: 2434
Date: 01/15/2009

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2434